

*Approved Minutes
South Florida Ecosystem Restoration
Working Group Meeting
August 30, 2005*

Welcome and Administrative Items

Ken Ammon called meeting called to order at 9:15 AM. Jay Slack was in Alaska and unable to attend. The agenda (Encl. 1) and draft minutes (Encl. 2) were introduced. Everyone was reminded to identify themselves when speaking since the meeting was being webcast. He recognized those affected by Hurricane Katrina.

Working Group Members

	May 30	Alternates
Ken Ammon – South Florida Water Management District	√	
Vacancy - FL Dept of Environmental Protection	-	
Billy Causey – NOAA, FL Keys Nat'l Marine Sanctuary	-	
Alex Chester – NOAA, National Marine Fisheries Service	√	
Bob Crim - FL Dept. of Transportation	-	
Wayne Daltry – Southwest FL Regional Planning Council	√	
Dennis Duke - U.S. Army Corps of Engineers	√	
Gene Duncan – Miccosukee Tribe of Indians of FL	√	
Christopher M. Flack – Office of the Governor of Florida	-	
Roman Gastesi, Jr. – Miami Dade County	-	
George Hadley – U.S. Dept of Transportation	-	
Richard Harvey – Environmental Protection Agency	√	
Norman O. Hemming, III - U.S. Attorney's Office	-	
Dan Kimball – National Park Service, Everglades National Park and Dry Tortugas	-	Carol Mitchell
Kenneth B. Metcalf - Department of Community Affairs	-	
W. Ray Scott - FL Dept of Agriculture and Consumer Services	√	
Jay Slack – U.S. Fish and Wildlife Service	-	Mark Musaus
Craig Tepper - Seminole Tribe of Florida	-	Alyssa Jacobs
Kenneth S. Todd – Palm Beach County Water Resources Manager	√	
Anna Townsend – Bureau of Indian Affairs	-	Joe Frank
Joe Walsh - Florida Fish and Wildlife Conservation Commission	-	
Jess D. Weaver – U.S.G.S.	-	Ronnie Best
Rick Wilkins - Broward County Department of Natural Resource Protection	-	Patti Webster
Ed Wright – U.S. Department of Agriculture	√	
Greg May, Special Advisor	√	
Ken Haddad, Science Coordination Group Liaison	-	Rock Salt

Whiparound

Wayne Daltry reported Lee County consulted with the WMD and the Corps on the C-43 Reservoir because of concerns about planning for water quality. They will try to develop some preliminary load reduction goals. Ed Wright reported their new Task Force member is Merlyn Carlson. Carol Mitchell reported that an agreement was signed between the state of Florida and the DOI on the management of the Dry Tortugas National Park research natural area. The state and federal governments have agreed to disagree on the ownership of submerged lands and move forward with the General Management Plan for that area. Mark Musaus announced the dedication of the new access point at the 20 mile bend area at Loxahatchee NWR would be held on September 30th. Alex Chester echoed the Chair's comments regarding Katrina noting many of his colleagues were going through difficult times due to the hurricane. NMFS was going through a process to list Elkhorn and Staghorn coral the major corals as they have been reduced by 97% and the determination was made that they should be listed as an endangered and threatened species. Coincidental to Hurricane Dennis there has been a large die off in the northern and middle keys and significant mortality has been seen in previously thriving communities. Greg May noted that copies of the Strategic Plan (Encl. 3) and the Plan to Coordinate Science (Encl. 4) were provided to each member. The draft 2006 meeting schedule (Encl. 5) was provided for comments. He reminded everyone that the SCG would meet the following day. The CSOP Advisory Team would meet on September 7th to review alternative five. The Task Force was scheduled to meet on September 20th.

Corps Update

Dennis Duke provided an update (Encl. 6). He announced the draft GRR was posted for the Tamiami Trail and was being noticed in the federal register. The tentatively selected plan was the two span bridge option (two mile west and one mile east). The price tag was \$128 million and includes raising the balance of the roadway. All land acquisition in the 8.5 SMA area has been completed except for the land owned by FPL and Miami Dade. He noted a funding challenge unless they get \$35 million for the Corps since the DOI appropriations bill included language that requires matching funds. The Kissimmee River Restoration project was underway and the package for advertisement of the next backfill contract has been completed. Other work was continuing but unfortunately they were on temporary hold due to lack of sufficient funds. Critical Projects: Seminole Big Cypress moving forward to award the contract for Phase II; Ten Mile Creek construction was being finished up; Southern Crew was being implemented by the WMD along with a portion of the Tamiami Trail Culverts and Lake Trafford Restoration projects since they exceed the \$150 million cap authorized in 1996. There were no funds in the Continuing Authorities Program and consequently they were unable to proceed with construction of (C7, C8 and C9) at this time.

Central and Southern Florida (C&SF) project: West Palm Beach Canal (C-51)/STA 1E, Corps was preparing to transfer the completed C-51/STA1E to the SFWMD. PSTA field test would be awarded in September and he anticipated award of the L-40 improvement works in November 2005. Southern Dade County (C-111) land swap has still not been completed between the WMD and ENP. Miami Canal Study was not in the budget for FY06 and they would be unable to proceed until funding becomes available.

CERP: Lake Okeechobee Watershed PIR was underway with the developments of alternatives. They were coordinating with the Lake Okeechobee Fast Track Plan where special funding has been provided through the state Legislature and the WMD to accelerate certain features. Lake Okeechobee Regulation Schedule, currently under a temporary deviation schedule as lake levels continued to fall and discharges have been cut back. Part B of the effort was a one-year re-look of the WSE to see if modifications to the schedule could be implemented beyond the temporary deviation. Aquifer Storage and Recovery (ASR) pilot projects design was underway and the site of the C-43 ASR was being relocated. WMD was moving ahead with Hillsboro site regional ASR study. EAA storage reservoir PIR underway with the draft report scheduled to be posted in October. They have a tentatively selected plan with a 360,000 acre foot reservoir constructed on the Talisman tract. Miami-Dade County: Biscayne Bay Coastal Wetlands, the alternative plans were being analyzed. Bird Drive Recharge Basin was being combined with ENP seepage management.

All work has been completed for the Guidance Memoranda (GM) with the exception of GM 4 which was nearly complete. Modeling and technical requirements were being reviewed to address concerns. Interim Goals Agreement was being drafted and the Interim Targets Agreement was slightly behind schedule. Draft of the Five Year Report to Congress was posted for 30 day public review. An overview of the report (Encl. 7) was provided. Cost has increased from \$7.8 billion (based on 1999 dollars) to \$10.5 billion (October 2005 dollars) approximately 60 percent of the increase was due to inflation since the original estimate. Report was due to Congress on October 1, 2005. Initial draft of the Special Report on Exotics would be posted in October for public comment. Dennis Duke noted WRDA 2005 included both the IRL-S and Picayune Strand as well as increases to program cap for Critical Projects.

Rock Salt asked about the status of the C-111 land swap. Dennis replied that the language included the requirement for early action with Miami Dade. Ken Ammon said he reviewed some documentation and would verify the status. Rock asked to what extent had WSE contributed to the problem in the lake and to what extent was there an effort to look at "what are we doing wrong"? Dennis said the model runs were simulating a lot higher water levels in WCA 3A. Martin County has now sent notification they intend to sue and COL Carpenter would be meeting with them. He will present a record of what water has been released and in which direction out of the lake. Rock asked whether there was a serious effort to look at the regulation schedule. Dennis clarified they would be looking at the schedule as it exists and what they could do within the confines of the existing infrastructure, options that would be looked at include forward pumps, lowering the lake and offline storage. Wayne Daltry said that although it was wonderful to model rainfall, no one year had been according to the model and they had a MFL exceedence the prior year. He suggested a critique of the report would be helpful to guide and further Everglades restoration. One of the indicators for success in the Interim Goals and Targets was no increase in algae blooms which was not a

restoration target. He noted that for them it was already bad and they have had 570 days of algae blooms since 2000. The utility plant starts dumping carbon and that was how they become aware of the blooms. Rock Salt reported he attended a meeting with FPL. It owns a strip of land for a future transmission corridor, both in the 8.5 square mile area and in the Park expansion area. FPL had indicated a willingness to relocate their corridor and the Corps, ENP, Interior and the WMD were all committed to finding a way to resolve these issues.

Acceler8 Update

Ken Ammon provided an update (Encl. 8). He announced the WMD was working with the Governor's office on a financial strategy and issuance of the Certificates of Participation. He reviewed ongoing and upcoming activities which included initiating the design phase for pump stations for Picayune Strand. DOI had concerns with the location of the pump stations but after talking with the FWS the WMD feels that the locations and sizing of the pump stations were appropriate. They would have multiple pumps in the stations that would be able to phase in and out. They would continue to work with their consultant and with FWS in order to provide enough documentation for the Section 7 consultation associated with the 404 permit. Schedule issues: may have a delay in site work based on the modeling that needs to be done. They were moving ahead with the pump stations and the construction deadlines was where there may be potential delays but they would try to bring it back online. They would complete the C-43 test cell design and construction. They were attempting to start work early on the EAA Reservoir Phase I and it would be advantageous to get started before April 2006 to allow dry-out and make the material useable for levy construction. They were expecting to go before the Board in October.

Ray Scott said he participated in a 1501 Review for the EAA Reservoir and an analysis could not be made based on the information available at that meeting. Yet there was some modeling on the Acceler8 piece that indicated some worsening in the frequency of drought and decreased water supply. His agency continues to be concerned that some folks believe Acceler8 was not subject to the 1501 Review. He asked how Acceler8 and CERP would mesh and asked about the points of entry. Ken Ammon explained that Chapter 120 was geared toward the 1501/1502 process. For Acceler8 the Basis of Design Report (BODR) would be the more detailed technical analysis that would be presented to the public. The state was committed to obtaining 1501 approval for Acceler8 projects. Some of the major analysis includes protection of existing legal users and protection of existing levels of service and flood protection. It was preliminary to discuss the results at that point in time since they have determined that improvements need to be made. Rock Salt said they have a habit of justifying everything with models; however, what the models say is not always intuitive. The models should be used to help them think and not do the thinking for them.

Patti Webster noted that the Broward County WPA will have an Interim Design Report instead of a BODR in order to meet construction deadlines and she asked how they could distinguish between the two. Ken Ammon explained that most of the Acceler8 projects have not had any detailed design while the WPA has had extensive intermediate design based on the feasibility study that was done for that area. They were a lot further ahead in understanding how they will operate those facilities and can use a lot of that information and streamline the BODR.

Updates

Science Coordination Group (SCG)

Rock Salt provided a presentation (Encl. 9) and reviewed the current priorities which include completing the analysis and recommendation of a new set of system-wide indicators and Phase II of the Plan for Coordinating Science (PCS). They have also initiated an independent scientific review of Phase I of the PCS. The Group has adopted the term "vital signs" to convey the strategic indicators sufficient for a broad ecosystem perspective to give the Task Force a sense of the health and progress on restoration. The SCG has tentatively accepted twelve ecological indicators that will be subject to independent review. The first ten indicators were developed by RECOVER as part of the CERP while indicators 11 and 12 are additional attributes not covered by the water projects or CERP. A workshop to develop needs, gaps and actions for Phase II of the PCS will be held in September.

Wayne Daltry asked why algae blooms were only an indicator for Florida Bay. Rock explained the process noting the SCG spent several months focusing on its guidelines for selecting its strategic suite of indicators. The SCG has no resources to do any of this and their choice of an indicator was constrained. Ronnie Best suggested changing the Florida Bay algal bloom indicator to coastal systems. Rock added it doesn't do any good to come up with wish lists without recruiting "the gap filler". Wayne also said the human piece specifically the impervious surface which was part of Goal three in the Strategic Plan should be an indicator and they should be looking to see what local governments could provide. Greg May agreed they need a Goal 3 indicator. Ken Ammon noted that even though the District issues environmental resource permits future development has an impact. Local governments can impose stricter permits and pointed to Martin County as an example. Ronnie Best said the impervious surface ratio could be an indicator and it is currently being used in the Tampa Bay region

CSOP Advisory Team

Loly Espino reported the team petitioned the Task Force to request the Corps pause for 60 days. The request was granted and a technical sub team was able to formulate a number of sensitivity runs. The runs were completed by the Corps and the results were reviewed by the team. They were scheduled to meet on September 7th and analyze the results. Their goal was to achieve consensus before the mid November deadline for the Tentatively Selected Plan. Greg May added that the original 60 day pause was based on an anticipated 25 sensitivity runs and they ended up with 58 runs. He acknowledged the Corps for exceptional performance. Rock reminded everyone that the Task Force chartered the advisory team because issues have blocked this effort for a decade. The NPS and FWS continue to have serious concerns as does Dade County and others. He thanked the Corps for their hard work with these difficult issues.

Working Group Outreach

Linda Friar provided a synopsis (Encl. 10) of member related outreach activities. She asked for feedback by September 16th. In order to support the Working Group goal of developing an outreach briefing for the counties, a single county would be selected to develop a model briefing. Patti Webster said that this needs to be done from the ground up and Broward County would be interested in participating and would take the request back to her agency. Greg May added the outreach document attempts to articulate the different but complementary functions that the Task Force, Working Group and the implementing agencies provide and describes the coordination role of the Task Force versus the implementing role of the agencies.

Biscayne Bay Regional Restoration Coordination Team (BBRRCT)

Rafaela Monchek (Encl. 11) reviewed the background for the team. She introduced Evan Skornik who reviewed the overarching goals, focus areas and initial action steps for the Action Plan (Encl. 12). Rafaela noted next steps include Working Group approval or acceptance.

Ken Ammon said he found it to be detailed and comprehensive and had only minor comments. He said he was not sure what was meant by item f "increased water storage and aquifer recharge capability to address runoff generated by a hundred year storm" on page 9 noting that this was almost unattainable and the WMD focuses on 10 or 25 year storm when it comes to managing flood flows. This would equate to a tremendous amount of infrastructure to control runoff and asked the team to put in the appropriate design storm and duration. Regarding item B on the same page "increase of priority implementation Biscayne Bay water resource issues in CERP" he noted the WMD was embarking on Phase I of Acceler8. It seemed to be the responsibility of the MISP team to periodically look at the sequencing of projects and suggested rewording the reference since it appeared to tread on a responsibility that may not lie with this group. He noted at the prior meeting that that a representative from ENP was missing from the team.

Rock Salt said the key players were the parks, District and Dade County but he was not sure if there was some particular shortfall the team was concerned about. Rafaela said it was basically to make sure they had buy-in and support from all the agencies. Dennis Duke asked why the term "imperiled species" was used rather than threatened and endangered or listed. Evan Skornik said the terms T&E was not strong enough and the team could either reword or define it.

Ken Ammon said it would be appropriate to have a review period since key players were not present. Wayne made that motion which Patti Webster seconded. Greg May added that Roman Gastesi was unable to attend meeting due to hurricane cleanup. The team would be asked to tweak the document and present it again to the Working Group. **Motion carried.**

Ken Ammon noted the team's chair Humberto Alonso new WMD responsibilities required that he be replaced. **He made a motion to nominate Audrey Ordinez. Patti Webster seconded the motion adding Audrey was very familiar with the issues and would be excellent. No one was opposed and the motion passed.** Ken noted that a Vice Chair was needed and deferred the discussion to next meeting.

Public Comment

John Marshall noted the absence of a link between the built system-wide indicators and the Land Acquisition Strategy. There was no indicator that addressed the goal of increasing the spatial extent of natural areas. This could provide a clue as to whether they were gaining or losing ground. Just like they need a water budget they need a land budget.

Rock Salt said John was right and added that indicator number 11 was more of a habitat mosaic type of an indicator. Although it does not get far enough to John's point it could. Ken Ammon said that between the federal and state partners they have acquired over one million acres of land since 1995. Although he thought they were moving in the right direction he said they needed to keep track of that issue. They also can't preclude that the 68 projects in the Yellow Book may not be enough.

Kissimmee Valley Regional Restoration Coordination Team (KVRRICT)

Theresa Woody said she had provided a status update at a prior meeting and was given direction to draft a new charter. She noted the intense agency coordination occurring because of the Long Term Management Plan for the Upper Chain of Lakes. The team's recommendation was that the committee be retired with the understanding that she would continue to provide electronic communication of the coordination efforts. Rock Salt reminded everyone that the group could be re-commissioned if needed. **Wayne Daltry made a motion which was seconded by Ken Todd. No one was opposed and the team was dissolved.**

Land Acquisition Task Team

Theresa Woody reported (Encl. 13) the Land Acquisition Strategy (LAS) would be updated. The update would be the third edition noting the first edition was prepared in response to a 2000 GAO Report. The revised draft would be sent out in September with data current as of June 30, 2005. The Strategy deals with the projects that are federal and state while one of the appendices contains all land acquisition projects regardless of funding source. The final draft of the third edition was scheduled to be presented to the Task Force for acceptance at the September meeting. A draft would be distributed to a broader audience and comments would be due on September 12th. The team was also working on a report on lands that are necessary to achieve natural system goals which was requested by the House Interior Appropriations Subcommittee. The objective was to identify and prioritize for acquisition the lands necessary to achieve natural system goals, identify funding strategies including innovative partnerships and the timeframes the lands would be needed. The team has met three times and was preparing a straw man.

Wayne Daltry asked whether they would have the ability to call in to Working Group meetings. **Ken Ammon said he would discuss this with Jay Slack and report back at the next meeting. The April minutes were presented and Ken Todd made a motion to approve which was seconded by Wayne Daltry. The minutes were approved without discussion.**

Project Implementation Reports (PIRs) Consultation

Greg May reminded everyone that the task Force decided at the May 2005 meeting to delegate part of their project consultation responsibilities to the Working Group for the scoping and alternative formulation phases of the Project Implementation Reports (PIRs). The Task Force will continue to do the consultation on the final draft PIRs as well as all the programmatic requirements such as the Five Year Report to Congress. This is the first time the Working Group has been consulted with. Richard Harvey asked

whether they were talking about the full project or the Acceler8 project and how those efforts were being coordinated. He asked about the significance of consultation when they still do not have a WRDA 05 and they know the state will move ahead with Acceler8. He also asked how this process would add or not add value to the Acceler8 process.

Ken Ammon noted the WMD has an agreement with the Corps that the Acceler8 projects will not go beyond the 30% level of design until a PIR is completed. This means that Acceler8 projects are committed to be consistent with the PIR although they may not include all of the projects that are in the PIR and may be a subset. He said he did not think there would be a formal consultation, in the legal term, of Acceler8 projects. There are points of entry such as the Basis of Design Report which will be reviewed through WRAC Subcommittees and a legal point of entry when there is an application for 1501 process. He viewed this consultation process as strictly being associated with the PIRs as they are prepared by the Corps. Dennis Duke agreed and the detailed design is now moved up and consultation is focused on PIRs for CERP implementation. The state will design and proceed to build what is identified in the PIRs. The consultation here will cover the scoping and the alternative formulations. They have agreed that the alternatives will include not only the federally recommended plan but a locally preferred alternative if it is being offered by the state.

Richard Harvey noted his concern that the state will move ahead and build a component and the rest of the project never gets built for one reason or another. He has asked his folks to comment on the Acceler8 projects as if they are stand alone projects although he hopes that will not be the case. Dennis agreed that has been one of their challenges as well as to how to handle 404 permits for a partial project where the benefits are dependent on completion of the full project. Richard Harvey said he has heard that a policy is being worked on. Dennis said the draft paper was circulated at the Washington level and was not sure when it will be released. Richard noted the C-43 test cells, anticipating starting in late October. Dennis said they are being treated as advanced design and looking at individual applications. Rock Salt said these issues are there even if the Corps were building this one segment at a time and in some sense Richard's questions are good but they are looking at this and trying to find a way to proceed. Richard Harvey added the Corps has issued a public notice for the C-43 test cells and EPA has provided comments on wetlands impacts. They favor the test cells which will answer some questions but it would help to have an idea of where decisions will be made. Ken Ammon said they are working the same issues and detailing this thing to death and hold up the restoration but at some point they need to decide whether they are going to work together and stop putting up obstacles. Rock Salt added these are tough issues and they are all trying to get these Acceler8 projects built. Richard Harvey said they raised the issue of waters of the US and water quality and they are trying to figure out what they will get to affect and accomplish restoration. Ken Ammon said they have done a lot of predictive work and presentations have been made showing the benefits derived. It probably does not answer all the questions regarding nutrient reduction but those are manageable issues that are common in the design and operation of facilities worldwide that can be incorporated in the design to help minimize the probability of those things.

Gene Duncan said he liked the questions that were posed and how Acceler8 integrates or doesn't integrate with CERP. The tribe owns some property in Southern Golden Gate Estates and although they wanted the project to move forward, the state took the position that they had to own the land and went through condemnation proceedings. Difficult to determine what the process is and they thought they were dealing with the federal CERP project and follow certain procedures and it is not what they experienced. They are having difficulty being supportive because they believe the state does not have to own the land to restore it. When some planner draws a line on a map and says this is the footprint that is not an authorized project and questioned their right to come after someone's land.

Acme Basin B Alternative Formulation

Dennis Duke reported (Encl. 14) the project is undergoing alternative plan development which includes description of the Restudy plan, main plan formulation considerations and description of alternative plans formulated to date. They are seeking input on alternative plans considered, potential new alternatives, and benefits and impacts of those plans. He reviewed the map depicting the Acme Basin A and B components

as they exist today adding the drainage discharges into the Loxahatchee Refuge. Restudy plan included a Stormwater Treatment Area (STA) catchment basin within Acme Basin B to improve the water quality, treat the water and keep it discharging into the WCA as it is presently doing. As they went through some of their analysis, project objectives include that CERP increase spatial extent of protected natural areas, provide water to the ARM Loxahatchee, reduce amount of water lost to tide and reduce amount of water withdrawn from Lake Okeechobee.

They also looked at the future without project conditions recognizing the challenges with the quality of the water coming off of Basin B. The water would be diverted to the North to C-51 and discharge canals would be improved and then pushed off to tide by the C-51 canal. He reviewed the three alternatives. Alternative 1 provides for a detention basin as envisioned in the Yellow Book but instead of the water being pumped south it would be collected in the C-1 canal and pushed back to the C-51 canal. Pump stations would be added and increased pumping at S-319 would put the water in STA 1 East and then discharged at the southern end of Loxahatchee. Alternative 2 is a mixture and provides a collection, instead of bringing water down the central canal at C-1 it keeps the without project future canal flow headed north, less water would be captured and more flow directly into the C-51 canal. Alternative 3 has a similar configuration with different pump sizes and flow distribution. More flow improvements to C-1 canal so you get more concentration of flow to the western end. The Non Structural Plan should be Alternative 4 and includes C-51 operation modifications, Section 24 with passive wetland/upland mosaic area for capturing runoff and no significant improvements to the C-1 canal. Water would be returned by the C-51 canal to STA 1 East. The Tentatively Selected Plan (TSP) is the Non Structural Plan and the total cost would be \$16 million.

Richard Harvey asked whether this was the one with the public notice issued for a 404 permit. Dennis Duke replied that in June they had a TSP that included Alternative 1 and they responded to comments to issues raised by headquarters. The WMD asked them to retain that and may become a locally preferred option. The public notice you received was on the WMD is proceeding on building which has not changed. Ken Ammon noted the result is that they would not be able to obtain cost sharing and the permit included the wetland area. Dennis Duke clarified that the Tentatively Selected federal Plan is the Non Structural Plan and the ultimate recommended plan may be the Locally Preferred Option (LPO) with adjusted cost share and this would be a full project and more would be built than is in the Yellow Book.

Rock Salt asked how the capacity of STA 1 East factor into this and does this project contemplate going into an "REO"? Dennis Duke said water that would be put under one of these alternatives is consistent within the design. There are some challenges with the amount of water coming out L-8 Basin which is overloading the entire system and that still needs to be worked out. The resizing of the drainage basin which provided excess capacity in STA 1 East over what was originally intended so it would have sufficient capacity but the L-8 water needs to be moved elsewhere but they do not have a mechanism to do that. Mark Musaus asked whether the BODR and the TSP were the same thing. Dennis clarified they were not. Mark noted Section 24 was a critical piece for flood attenuation but recent modeling has shown that is has minimal impact. Dennis added that given the trade-off analysis it was determined that the mosaic was better. Mark also stated that it was his understanding that there might be a need for water out of the refuge if the wetlands were to dry out. Dennis said he had not heard that. Ken Ammon said the last he heard was that Section 24 would be strictly rainfall driven.

Ken Todd said this alternative meets all the objectives and asked whether the Village of Wellington has weighed in on this yet. Ken Ammon said they are aware of the issue and their Engineer is doing some additional modeling. The District's position is that the recommended pan will include the LPO. Dennis Duke noted he is not able to provide credit and it would take an act of Congress. Rock Salt asked how the credit issue could be fixed. If they proceed under programmatic authority that program does not have the crediting. Dennis said either the report has to go back to Congress or Congress could pass some generic legislation, which has been introduced. Rock said there are other authorities where the Corps can provide the cash, similar to how it was done for the Port of Miami. Dennis said the challenge is that the Corps' budget has been flat.

Ken Ammon said that is the reason why they decided to move ahead with Acceler8 and they understand the constraints and hope that at some point they may have more money available. Rock Salt noted he hears a lot of lamenting that the gap is growing and it is important that they get at this. Ken said it was not lamenting and they have committed to doing x number of projects totaling \$4 to \$5 billion. Ken Ammon noted there was no public comment and the LPO will be the Recommended Plan identified as Alternative 1 in the briefing package and the federally selected Plan is the Non Structural Plan.

Greg May noted the comments will be packaged for Jay as part of his briefing to the Task Force in September. Rock Salt said he did not hear any sense of concerns. Richard Harvey said they had acceptable answers to their questions. Greg clarified the Task Force will be interested in any area of agreement and there is agreement. They would want to know if there are any red flags and any kind of “did you think about this” kinds of issues. Dennis Duke noted they would be asked to comment on the PIR and the actual 404 permit which will be noticed. Their intent from a NEPA perspective is to cover all the alternatives so that would provide the basis for making an Environmental Impact determination for processing the 404 application. Richard Harvey asked if a formal vote was needed. Greg replied the Task Force does not vote and the comments will be passed on to the Task Force and the Army. Richard Harvey asked whether Mark Musaus was comfortable. Mark Musaus said it will prevent the flows from coming into the refuge that are untreated. There are concerns with whether the STA could handle that and there are other issues related to the L-8 but if they could still get that water and have it cleaned that would be the best for them.

Rock Salt said he has heard that there is some policy wondering about this project and maybe it has been settled but it would be useful for the Task Force to hear that the Working Group listened to this and the questions were answered. This would give the sense that this is a good thing to do. Dennis Duke said detailed work is continuing and they are preparing the draft report. Ken Ammon agreed with Rock’s statement. Richard Harvey individual agencies will comment through the NEPA process and it was nice to hear they are all on the same page adding this will not always be the case.

C-43 Alternative Formulation

Dennis Duke reported (Encl. 15) that similar to the Acme Basin B he is not seeking approval. He reviewed the project purpose which is to improve the timing, quantity and quality of freshwater flows to the Caloosahatchee River Estuary. The Yellow Book cost \$201,200,000 with approximately \$132,600,000 attributed to real estate and costs have escalated to \$391.6 million. He reviewed the C-43 Basin map depicting the project area which extends from Lake Okeechobee down to the Caloosahatchee in the Fort Myers area. This was not an initially authorized project so they looked at alternative reservoir locations and identified twenty potential sites for future project components. Parcels of land were rated against suitability criteria in terms of meeting storage requirements and restoration potential. He reviewed the objectives which included but were not limited to: improve the quantity and timing of freshwater flows to the Caloosahatchee Estuary by capturing runoff from the Caloosahatchee Basin and Lake Okeechobee for release when needed and/or necessary; improve salinity balance in the Caloosahatchee Estuary for estuarine organisms; improve water quality in the Caloosahatchee Estuary by reducing nutrient inflows from the freshwater Caloosahatchee Basin; increase plant and animal diversity and abundance, particularly increasing the spatial extent of submerged aquatic vegetation; and conserve and protect water resources to ensure sustainability of economic and natural resources.

The C-43 Basin Storage Reservoir - Part 1 contained in the Restudy where CERP identified a conceptual C-43 Basin Storage Reservoir project that would provide 160,00 acre feet of above ground storage for environmental restoration of the Caloosahatchee River and estuary. Updated information now shows that 160,000 acre feet of storage proposed in the Restudy may not be adequate due to greater agricultural demands, increased estuarine demands, and less basin runoff than initially predicted. With the Initial CERP Update (ICU), updating of the 2 x 2 model, and use of better runoff information revealed there was significantly less water coming off the basin and the basin is not a water producer as envisioned in the RESTUDY. This potential shortfall will be examined during the development of the PIR. Plan formulation identified 20 land parcels as potential sites. He reviewed the Level 1 and Level 2 screening criteria used which produced 11 potential restoration sites. These 11 sites were reduced to 7 sites based on threatened and endangered species. He reviewed the seven alternatives noting they are looking at different

reservoir sites and with different combinations to achieve different performance for water storage and water outputs. He referred to the table containing the estimated storage volumes.

Gene Duncan asked at what point in the analysis of alternatives they start to look at less than fee simple acquisitions and willing sellers. Dennis Duke said they got approval to start with the base assumption that all land would be acquired in fee simple title for analysis and comparison purposes. Once they have the plans narrowed down to a final array of alternatives they determine whether there is a potential for a less than fee. The general assumption is that any footprints of projects where water would be permanently impounded would be fee simple. Any areas that are natural areas could be considered for easements. It would vary depending on what the land will be used for.

Dennis Duke noted there is no tentatively selected plan as of now. The plan evaluation is not yet complete and they will be looking at the MIKESHE model to look at the hydrologic output of the different alternatives. They will look at the ecological outputs to determine the benefits and the impacts of the alternatives. He reminded everyone that this is Part 1 of the C-43 Basin Plan and they may need to make this bigger depending on the results of the ASR. With the CERP plan in place and the updated models, if you take the raw data, shows less water than shown in the CERP plan. The initial scare was that there was a savings clause issue, however, there is significantly less water to meet all the demands. The C-43 becomes a demand drawer on the system and more water would have to be brought out of Lake Okeechobee to fill those needs. Rather than allow that to happen they have put some artificial constraints in the modeling to limit the demand.

Ray Scott asked about the timing of the modification report. Dennis said it is when there is a significant change that affects the overall performance of the plan at large. The new 2x2 model, 2000 population and five additional years of data will be the basis for initiating a modification report. Richard Harvey asked what the MIKESHE model would be used for. Dennis replied it would be used to evaluate the groundwater and surface water alternatives within this basin. Richard noted that the MIKESHE code has never been peer reviewed and he was not sure it was ever used for this purpose. The regional models are saying there is less water and he asked how much of that is noise in the model and how much is real. Dennis said a large portion of the "less water in the basin" is change in runoff coefficient and they basically said there is less water than originally though and has nothing to do with the model. Ken Ammon added that it had to do with a difference in the water budget, the data was updated and the original assumptions in the 2x2 were very conservative.

Dennis Duke reviewed the current status of the C-43 BSRP which included: preparing AFB documentation; running MIKESHE/MIKE 11 model for existing and 2050 conditions; running STELLA model to screen combination of alternatives for final array of alternatives; running WAMView and Eco-Lab models for evaluation of water quality (nutrient load reductions) on alternatives and collecting soil boring information on Lake Hicpochee and surrounding three sites to gather site data. Next steps include:

- Developing cost estimates for final array of alternatives
- Evaluate final alternatives – outputs versus costs
- Hold public meetings to discuss the alternatives
- Hold 1502 pre-application meeting with FDEP
- Conduct CE/ICA on alternatives and identify TSP
- Conduct final analysis on TSP for assurances and next added increment
- Finalize Alternative Formulation Briefing (AFB) document and submit to HQ and SAD

He reviewed the schedule noting the final PIR is to be completed by May 2007. Ray Scott asked which reservoir sites are currently in public ownership. Ken Ammon replied that they along with DOI own the Barry Groves site in the West storage reservoir.

Ray Scott asked about Lake Hicpochee. Dennis Duke said that is also a potential area for restoration regardless of what happens with the reservoir as part of the follow on effort. Richard Harvey said they brought up the issue of whether these reservoirs were waters of the U.S. and it was also brought up at the Quarterly Review Meeting and has since been elevated to CEQ. He said it was his understanding that the

decision has been made that the reservoirs are waters of the U.S. Ken Ammon said he heard the opposite. Richard Harvey said that if they are then there is an issue of the impact of discharge into the Caloosahatchee but also the water quality within the reservoir. That is an outstanding issue that needs to be resolved. Issue was originally raised at the May 3rd meeting in Atlanta where it was stated that they had to develop TMDLs because they are creating impaired water bodies. Rock Salt asked from the health of the ecosystem standpoint what it was that they were trying to deal with. Rock said he had this vision of river water being put into a reservoir and then they would take that same water and put it back in the river. Richard said that was the primary issue, the water could be put in the reservoir with 100 – 300 ppb of Phosphorus with no algae. It could sit there for months and generate green or blue green algae and they may be creating new Class III water bodies, which he thought they were, and creating impaired waters. When they discharge this into the Caloosahatchee and nine miles upstream from the intake is the Lee County Water Plant which will have to spend money to remove some of that. It's being discharged into a Class I drinking water supply and it could be discharging toxics. Rock Salt said that no one here wants to create ecological problems and asked who's got the role to do the water quality analysis and determine if there might be a problem. Richard said it's everybody's job, for years they tried to engage folks up front to deal with water quality issues. It is a legitimate water quality issue and they will have to deal with that or they will be creating impaired waters in these reservoirs. If they discharge, how problematic are those discharges going to be. If a model like the MIKESHE model is used, although it is powerful model, but he did not know that it has ever been used for this process and the code has never been peer reviewed.

He heard Ms. Colleen Castille may have written a letter to the Regional Administrator for EPA asking how they are going to deal with this. Karl Haven and Bill Walker made a presentation to a group two years where this issue was raised and it is not a new issue. He said that he has unsuccessfully tried to raise this issue with staff at the WMD. Ken Ammon said he wanted to speak to Richard in a sidebar and said he knew they need to address water quality issues associated with reservoirs. There are thousands of water management systems used for stormwater retention that very rarely exhibit a blue green algae issue. They need to think and consider why all the WMDs require stormwater detention and retention systems with new developments. He said he believes that any reservoir system is going to have a net improvement on water quality for the source and receiving water. The SFWMD's consultants are using models with regards to the blue green algae issue. The worst thing that could happen is that when the reservoir dries out one year and you fill it up 2/3 of the way, you do not discharge it and it is treated. Just because there is a reservoir does not mean they have to deliver water upstream or downstream. He urged they look at all the technologies available to minimize impacts. Ninety percent of the time, he believed these reservoirs would result in a net improvement. Richard Harvey said that information has not been shared and should be shared with everyone. Ken said it was not new information and Tampa Bay reservoir did the same analysis. Ken Ammon said the C-43 was never intended to meet some pre determined standard. Ray Scott asked whether particular issues that will kick in as a result of that designation. Richard Harvey explained that if you had a reservoir holding the water and a STA is associated with it, the whole issue of water quality within the reservoir goes away. Richard said that Karl Haven recommended the District hire an outside expert to answer specific questions. Barry Rosen said the chances of having blue algal blooms in a reservoir is very good, however, there are mechanisms to deal with that. The toxicity issue is minor, if they happen they will happen downstream. There are trace amounts in most surface water supplies around the country. Ken Ammon said they are going to look at test cell issues, water quality and detention times in the test cell, the surface water and ground water quality and the water quality models will be used to look at operational and/or physical additions to the reservoir design. Prior to the completion of the design work they will get with EPA on these issues.

Wayne Daltry commented on volume noting that when the Yellow Book was developed it was to be a more functioning system enabling you to move water around when there were shortfalls and the C-43 would complement the ASR and backpumping. Emphasis now is more natural systems since there is not enough water. The feasibility study being delayed keeps from answering many questions that come up. The Caloosahatchee River in its natural state historically flowed year round until Hamilton Diston came and they no longer had a chain of lakes. The Corps of Engineers comes to save them around 1910 by installing locks and weirs. Now looking at these alternatives and they are being shown the water in the box but never shown the water can come from something that is not in the box, such as Lake Hicpochee which adds 0 acre feet. To get Lake Hicpochee higher a weir will be needed yet they have not been introduced in these

discussions. Their proposal was to raise the water table three feet and put an additional weir/lock on the western edge of the chain of lakes. Water budget has changed dramatically and missing water has since heard is because of runoff. They would like to see further attention given to groundwater storage opportunities. Rock asked whether he was talking about putting in another lock. Wayne said that was the idea, fix the broken lock, recreate artificial waterfall by putting in a lock would add a lot of storage. Ken Ammon said what he is requesting has a lot of merit and added that one of the issues they have to contend with when raising groundwater levels is that they still need to meet assurance requirements for flood protection.

Gene Duncan noting the depth of the reservoir is 12 feet, recalled that during the RESTUDY there was discussion that if reservoirs were shallower and larger they would get a water quality improvement out of them, but for purposes of trying to reduce the size of the footprint for land acquisition the land is being stacked deeper. He asked whether it was still an option to have more land used at shallower depths. Ken Ammon replied they are looking at more storage than the Yellow Book had envisioned. Some of these alternative sites will depend on whether the lands are wetlands, natural habitat, threatened and endangered species habitat. However, he said he is a firm believer that the reservoirs will provide a net improvement in water quality regardless of their depth. Their preliminary designs for C-43 are that they will rarely have surface water discharge and they will attempt to use as much as possible in order to discharge water back into Caloosahatchee.

Gene asked whether the acreage and the depth locked in. Ken said it depends on the existing land use and it will depend on whether, for example, they want to convert a wetland into a deep water reservoir. Barry Rosen commented that Lake Hicpochee is a beautiful mosaic of short term hydroperiod wetlands and although that may not be what it was historically, they are recommending they don't touch it adding it is valuable now as a natural area. Ed Wright said he was interested in knowing about the current land use of that area. Rock Salt asked to what extent were the sites chosen because there is an indication that the landowners would be amenable to that alternative or was it driven by engineering analysis. Dennis replied that willingness to sell was a consideration but not a controlling factor.

Ken Ammon reviewed the issues: are they in fact waters of the US, if so, potential need to meet water quality requirements in the reservoir. Question why Lake Hicpochee showing zero feet of storage and is there a potential of utilization to get two to three feet in there. Is there a possibility of increasing groundwater levels to store and clean the water in certain areas, primarily in the western end of the basin. There may be constraints associated with that potential approach. Current land use of available properties for storage may depend on how the property is ultimately used. Richard Harvey added that regardless of whether the water in the reservoirs is waters of the US, will the quality of the water discharged from the reservoirs be problematic downstream. Also, how has the MIKESHE model been used in the past and has the code been peer reviewed. If they are going to use that model then they need to make sure that it is appropriate for that use.

Rock Salt said the endangered species issues are moving along well, but it is still an issue. Ken noted they have made much progress. Rock asked why this issue came to a head on the C-43 and asked what the lesson was. Richard said it is an issue that exists for the EAA Reservoir and Site 1 and any reservoir that doesn't have an STA associated with it. The surface area for the EAA Reservoir has been reduced and the depth increased which allows an adjacent STA to be built. He asked whether it would be a standalone reservoir. Ken said construction methodology would be a stand alone reservoir but its operations will be contingent on STA 3/4.

Wayne Daltry said they also raised the issue and are concerned with the impairment of the Caloosahatchee River and its estuary largely due to nutrients and are looking at where to pick up the nutrient load adding that there are spending \$1 million a ton on removal on some of the projects that are underway. When the C-43 Reservoir was being discussed two years ago they were told it would be no worse coming out than going in and then they were later told that it would meet the water quality standards of the state. Rock asked how the Corps is dealing with all of this. Dennis said that part of the mitigation package deals with the waters of the US thing and will be decided in Washington. The Corps met with Lee County and they agreed to step up the analysis with the WMD to get some early outputs to determine whether the plan will

be impacted. Richard Harvey said perhaps the WMD could build the reservoir. Ken said the WMD is out of money, it has committed every dollar it has for the next five years on every bit of land acquisition and \$1.5 billion has been committed to construction for land already acquired saving the tax payers millions of dollars. It was their understanding that it was a quantity issue not a quality issue and it was to meet the MFL. Although there could be a problem with quality the jury is still out and suggested they move forward. Richard said it may be that the reservoir is built and then an STA could be built later. Rock said that if is needed then the Corps would have to include it in the PIR. Ken Ammon said there are three entry points: Corps PIR, Feasibility Study and the State's TMDL Study.

Florida Earth Foundation (FEF) Update

Stan Brosnan provided an update on the Foundation noting the Governor signed a resolution in support of FEF. He provided the members with the most recent newsletter (Encl. 16) and noted that participants have included international students from as far away as Holland. The State Department has asked FEF to develop a program at that effort was underway. Additional information was available at: [//floridaearth.org](http://floridaearth.org)

Public Comment

None

Preparation for Task Force Meeting

Greg May reviewed the agenda for the September 20th TF meeting and reminded everyone that the website was a virtual resource for upcoming meetings.

Dennis Duke added that the ICU had been posted by RECOVER. Gene Duncan noted they just got the GRR and EIS for Tamiami Trail. There were culverts where the bridges were proposed and they were blocked on the downstream side with tree islands growing on the south side of the culverts. The tribe has been asking for them to be cleaned out. The 4000 csf needed for Modified Water Deliveries (MWD) was being used for the reason for those bridges and the 4000 csf would be available if the Park allowed the culverts to be cleaned. He said the Tribe sees it as a way to get decompartmentalization under the MWD umbrella and thought the bridges were not necessary. Carol Mitchell replied that the park was concerned with water quality concerns that would result in long term vegetative changes. Cleaning out of the vegetation downstream would provide only a small amount of get away. Ronnie Best said those would all be temporary solutions. Gene noted this was a problem because WRDA demands that MWD be built before decomp and they were trying to do decomp and call it MWD.

Dennis Duke said that when they increase the flows they have to raise the trail. Gene noted the Park Expansion Act states that they restore flows to the extent practicable not to the extent the Park wants. Dennis responded that the 4000 csf was based on the 1992 GDM.

Meeting adjourned at 4:40 PM.

Enclosures:

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| 1. <u>Agenda</u> | 14. <u>Acme Basin B Alternatives</u> |
| 2. <u>Meeting minutes, April 2005</u> | 15. <u>C-43 Alternatives</u> |
| 3. <u>Strategic Plan</u> | 16. <u>Florida Earth Foundation newsletter</u> |
| 4. <u>Plan to Coordinate Science</u> | |
| 5. <u>Proposed 2006 Meeting Calendar</u> | |
| 6. <u>Corps Update</u> | |
| 7. <u>Overview of Five Year Report</u> | |
| 8. <u>Acceler8 Update</u> | |
| 9. <u>SCG Update</u> | |
| 10. <u>WG Outreach Update</u> | |
| 11. <u>Biscayne Bay RRCT Update</u> | |
| 12. <u>Biscayne Bay DRAFT Action Plan</u> | |
| 13. <u>Land Acquisition Update</u> | |